

1 THE HONORABLE RICHARD A. JONES  
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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 UNITED STATES OF AMERICA, ) No. CR18-315-RAJ  
9 Petitioner, )  
10 v. ) JOINT STATEMENT AND  
11 GIZACHEW WONDIE, ) STIPULATION OF THE PARTIES IN  
12 Respondent. ) ADVANCE OF THE EVIDENTIARY  
HEARING SCHEDULED FOR  
JUNE 7, 2021

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13 Gizachew Wondie, by and through his attorneys Mohammed Hamoudi and Sara  
14 Brin, and the United States, by and through its attorneys Erin H. Becker and James  
15 Oesterle, file this joint statement in advance of the June 7, 2021, hearing to address the  
16 defendant's motion to suppress his arrest, filed at Dkt. 190. The purpose of this  
17 statement is to advise the Court of agreements reached by the parties that narrow the  
18 factual issues in dispute and thus will limit the scope of the testimony presented on June  
19 7, 2021.

20 **First**, the parties have separately decided that they will not call former Deputy  
21 George Alvarez as a witness for any purpose. Because Alvarez was the only witness  
22 who would have testified to observing cocaine in the defendant's possession prior to his  
23 arrest, the government will not cite this alleged possession as an independent basis for  
24 its argument that the defendant was lawfully arrested. The government will proceed  
25 with the facts and arguments previously advanced to advocate its position that  
26 defendant's December 6, 2018, arrest was lawful.

1       **Second**, the parties have entered into the attached factual stipulation reflecting  
 2 facts the parties expect would be proved if law enforcement witnesses present during  
 3 the events that led to defendant's December 6, 2018, arrest were to testify.

4       **Third**, given the decision not to call Deputy Alvarez, together with the attached  
 5 stipulation, the parties anticipate that the only witnesses who will be called to testify by  
 6 either party on June 7, 2021, are Homeland Security Investigations Special Agent  
 7 Tammy Spencer and HSI Supervising Special Agent Marco Dkane. Both are expected  
 8 to testify primarily on the topic of their parallel drug investigation of the defendant.  
 9 However, to the extent that either witness has information bearing on the defendant's  
 10 motion to suppress his statements, Dkt. 48,<sup>1</sup> or *Franks* hearing, Dkt. 273 (filed under  
 11 seal), that testimony will also be taken on June 7, 2021, to avoid the need for either  
 12 witness to appear twice.

13      **Fourth**, the parties have agreed to refer to separate individuals and groups with  
 14 pseudonyms to protect their identities and/or the active homicide investigation. With  
 15 respect to the individual arrested in October 2018, who provided information to HSI  
 16 agents that led to their investigation of the defendant, the parties have agreed to refer to  
 17 this individual as the "source of information" or "SOI." The person is more fully  
 18 identified for the Court in documents filed under seal at Dkts. 219, 234. With respect to  
 19 the group of individuals—occasionally described as a gang, and other times as a hip  
 20 hop group—that was of interest to investigators as possibly being connected with the  
 21 homicide, the parties have agreed to refer to this group as "Group A." The group's  
 22 name can be found in documents filed under seal at Dkt. 197. And, with respect to an  
 23 individual that the defendant asserts is the person actually depicted in a photograph that  
 24 was included in the Decker warrant and identified by Decker as someone she believed

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25      <sup>1</sup> The defense has advised the government that it will be moving to withdraw its motion  
 26 to suppress the defendant's statements taken in violation of *Miranda* (Dkt. 48). The  
 motion to withdraw will be filed separately by defense counsel.

1 to be the defendant, the parties have agreed to refer to this person as “Individual 1.” The  
2 person’s true name can be found in documents filed under seal at Dkt. 197, Ex. 25.

DATED this 2nd day of June 2021.

Respectfully submitted,

s/ Mohammad Hamoudi

s/ *Sara Brin*

Assistant Federal Public Defenders  
Attorneys for Gizachew Wondie

s/ *Erin H. Becker*

s/ *Jim Oesterle*

Assistant United States Attorneys  
By email authorization

JOINT STATEMENT AND STIPULATION OF THE  
PARTIES IN ADVANCE OF THE EVIDENTIARY  
HEARING SCHEDULED FOR JUNE 7, 2021  
(*United States v. Wondie*, No. CR18-315-RAJ) - 3

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